

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SERIGNE FALL,

Petitioner,

v.

MERRICK GARLAND, Attorney General
of the United States, et al.,

Respondents.

CASE NO. 2:23-cv-01347-LK

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge David W. Christel. Dkt. No. 9. The R&R recommends granting Respondents’ motion to dismiss Petitioner Serigne Fall’s petition for habeas corpus relief filed under 28 U.S.C. § 2241. *Id.*; *see* Dkt. No. 1 (habeas petition); Dkt. No. 7 (motion to dismiss). Specifically, Judge Christel recommends dismissing Mr. Fall’s petition as moot because the relief requested—Mr. Fall’s release from immigration detention—is no longer available in light of his removal from the United States on October 5, 2023. Dkt. No. 9 at 1–2; *see* Dkt. No. 7 at 1–2; Dkt.

1 No. 7-1 at 3. Mr. Fall, who has been appointed counsel, Dkt. No. 5, has not filed any objections to
2 the R&R.

3 The Court reviews findings and recommendations “*if objection is made*, but not otherwise.”
4 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“Neither the
5 Constitution nor the statute requires a district judge to review, de novo, findings and
6 recommendations that the parties themselves accept as correct.”); *see also* 28 U.S.C. § 636(b)(1);
7 Fed. R. Civ. P. 72(b)(3).

8 Having reviewed the R&R and the remainder of the record, and in the absence of any
9 objections by Mr. Fall, the Court hereby finds and ORDERS:

- 10 1. The Court ADOPTS the Report and Recommendation, Dkt. No. 9, and GRANTS
11 Respondents’ motion to dismiss, Dkt. No. 7.
12 2. This case is DISMISSED without prejudice.
13 3. The Clerk is directed to send copies of this Order to counsel for all parties and to Judge
14 Christel.

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16 Dated this 27th day of November, 2023.

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Lauren King
19 United States District Judge
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